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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,054	07/25/2001	Yasushi Takahashi	450101-02432	5762
20999	7590	10/27/2008	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHEPARD, JUSTIN E	
ART UNIT	PAPER NUMBER			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/890,054	<b>Applicant(s)</b> TAKAHASHI, YASUSHI
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### **Status**

1) Responsive to communication(s) filed on 19 September 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 69-71,73-77,79,80 and 82 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 69-71,73-77,79,80 and 82 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)

Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)

Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/17/07 has been entered.

#### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 69-71, 74, 75, 77, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Abecassis in view of Maquire.

Referring to claim 69, Goldberg discloses a method for transmitting video data comprising:

obtaining data for identifying a main video data, said main video data representing content and constituted by connecting, in a predetermined sequence a plurality of shots or scenes, each shot or scene being a basic unit of the main video data (column 9, lines 52-55; figure 3);

obtaining semantic evaluation meta-data including evaluation of the shots or scenes of the main video data, said semantic evaluation meta-data indicating the development of the content represented by the main video (column 12, lines 40-44; column 13, lines 1-2; figure 9); and

transmitting the identifying data, the semantic evaluation meta-data, and the main video data (column 9, lines 52-55; column 15, lines 6-8).

Goldberg does not disclose a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data indicating the impact or significance of a shot or scene; and wherein the identifying data and the semantic evaluation meta-data is used for extracting shots or scenes form the main video for a user to generate a summary digest video of said content.

In an analogous art, Abecassis teaches a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data indicating the impact or significance of a shot or scene (figure 3; column 9, lines 8-12); and wherein the identifying data and the semantic evaluation meta-data is used for extracting shots or scenes form the main video to generate an abbreviated version of the video of said content (column 9, lines

13-28; Note: as parts of the video would be removed, the length of the video would be shortened creating a short video).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the editing from Abecassis to the system disclosed by Goldberg and Ueno. The motivation would have been to enable the system to edit out certain parts of the video that may be offensive to the user (Abecassis: column 7, lines 1-2).

Goldberg and Abecassis do not disclose a method wherein the user generates an abbreviated version of the video that constitutes a summary digest of said video.

In an analogous art, Maquire teaches a method wherein the user generates an abbreviated version of the video that constitutes a summary digest of said video (column 7, lines 44-60).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the summary generating taught by Maquire to the method disclosed by Goldberg and Abecassis. The motivation would have been to allow for the system to quickly identify and playback the segments of interest to the user (Maquire: column 7, lines 44-60).

Claim 70 is rejected on the same grounds as claim 69.

Referring to claim 71, Goldberg discloses a method for receiving video data comprising: receiving main video data; receiving identifying data, identifying main video data representing content, the main video data constituted in a predetermined sequence a plurality of shots or scenes,

each shot or scene being a basic unit of the main video data (column 9, lines 52-55; figure 3);

receiving semantic evaluation meta-data based on an evaluation of the shots or scenes of the main video data, said semantic evaluation meta-data indicating the development of the content represented by the main video data (column 12, lines 40-44; column 13, lines 1-2; figure 9); and

manipulating the main video data based on the identifying data and the semantic evaluation meta-data (column 12, lines 40-44; column 13, lines 21-33).

Goldberg does not disclose a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data indicating the impact or significance of a shot or scene; and wherein the identifying data and the semantic evaluation meta-data is used for extracting shots or scenes from the main video to generate a summary digest video of said content.

In an analogous art, Abecassis teaches a method wherein the semantic evaluation meta-data includes evaluation values of each shot or scene of the main video, said semantic evaluation meta-data indicating the impact or significance of a shot or scene (figure 3; column 9, lines 8-12); and wherein the identifying data and the semantic evaluation meta-data is used for extracting shots or scenes from the main video to generate an abbreviated version of said video (column 9, lines 13-28; Note: as parts of the video would be removed, the length of the video would be shortened creating a short video).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the editing from Abecassis to the system disclosed by Goldberg and Ueno. The motivation would have been to enable the system to edit out certain parts of the video that may be offensive to the user (Abecassis: column 7, lines 1-2).

Goldberg and Abecassis do not disclose a method wherein the abbreviated version of the video is a summary digest of said video.

In an analogous art, Maquire teaches a method wherein the user generates an abbreviated version of the video that constitutes a summary digest of said video (column 7, lines 44-60).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the summary generating taught by Maquire to the method disclosed by Goldberg and Abecassis. The motivation would have been to allow for the system to quickly identify and playback the segments of interest to the user (Maquire: column 7, lines 44-60).

Claims 74 and 75 are rejected on the same grounds as claim 71.

Claim 77 is rejected on the same grounds as claims 69 and 71.

Claim 80 is rejected on the same grounds as claim 77.

Claims 73, 76, 79, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg in view of Abecassis as applied to the claims above, and further in view of Hjelsvold.

Referring to claim 73, Goldberg does not disclose a method for receiving billing meta-data indicating how billing is to be performed; and billing a viewer at a receiving end based on the received billing meta-data.

In an analogous art, Hjelsvold teaches a method for receiving billing meta-data indicating how billing is to be performed (column 5, lines 28-29 and 45-51); and billing a viewer at a receiving end based on the received billing meta-data (column 6, lines 9-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the billing method taught by Hjelsvold to the system disclosed by Goldberg and Abecassis. The motivation would have been to enable different lengths of videos to have different prices (Hjelsvold: column 5, lines 28-29), which would make the system more convenient for the user.

Claims 76 and 79 are rejected on the same grounds as claim 73.

Claim 82 is rejected on the same grounds as claim 79.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/  
Primary Examiner, Art Unit 2424

JS